

Applicants: Keegstra et al.
Application No.: 10/748,943
Filing Date: December 29, 2003
Docket No.: 1122-8 RCE III
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REMARKS

The application has been amended.

Claims 1-6, as well as claims 8, 10 and 12 are hereby cancelled. Claims 7, 9, 11, 13 and 14 are amended. Entry of this Amendment is respectfully requested.

In the Final Rejection mailed May 29, 2007, the Examiner rejected claims 1, 3-7, 9 and 11-14 under 35 U.S.C. §112, first paragraph. Claims 1-6 have been cancelled, and claim 7 has been amended to address the Examiner's concerns. It is respectfully submitted that the Examiner's rejection of the claims under 35 U.S.C. §112 is hereby obviated.

Claims 1 and 3-6 are rejected under 35 U.S.C. §102 as being anticipated by French Patent No. FR 2 639 104 to Levoux et al. In as much as claims 1-6 have been cancelled, the rejection under 35 U.S.C. §102 is hereby obviated.

Independent claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,043,267 to Hayashi in view of Levoux.

Independent claim 7 has been amended to recite a less-lethal shot gun round including a penetration-resistant projectile supported within a tubular hull. The projectile includes, *inter alia*, a convex solid head at the forward end of the projectile and a rim about the convex solid

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head. The rim supports a roll crimp configured on the forward end of the hull, such that upon firing, the rim opens the roll crimp. Neither Hayashi nor Levoux, alone or in combination, provide a rim about the convex solid head which supports a roll crimp of a tubular hull, and which upon firing, opens the roll crimp.

The Hayashi reference discloses a forward end of a projectile having a uniformly semi-circular configuration which extends to the outer cylindrical wall of the projectile. There is no rim surrounding the forward portion of the projectile.

Levoux shows no roll crimp on the hull and, therefore, shows no rim on the projectile to seat the roll crimp.

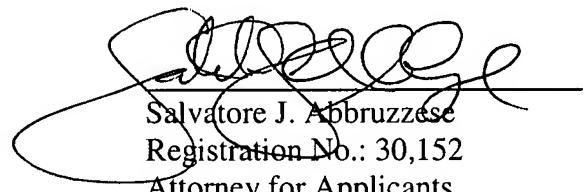
Therefore, it is respectfully submitted that the references of record, namely Hayashi and Levoux, alone or in combination, fail to disclose, teach or suggest the combination set forth in independent claim 7.

Accordingly, it is respectfully submitted that claim 7, as well as the claims which depend therefrom, are patentably distinct over the cited references. It is further submitted that the application, including claims 7, 9, 11 and 13-14, is in condition for allowance. Favorable action thereon is respectfully solicited.

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Should the Examiner have any questions regarding this response, the undersigned would be pleased to address them by telephone.

Respectfully submitted,



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